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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/300,676	04/27/99	DOYLE	R 73744

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EXAMINER

DEANE JR, W

ART UNIT

PAPER NUMBER

2742

3

DATE MAILED:

11/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/300,676

Applicant(s)

Doyle et al.

Examiner

Bill Deane

Group Art Unit
2742



☒ Responsive to communication(s) filed on Apr 27, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-38 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-38 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the matrix processor and the call processor must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 27 - 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the specification makes no specific mention of a matrix processor nor is such shown in the drawings, leaving the Examiner to guess at what applicant intends to claim.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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4. Claims 1 - ³⁶26 rejected under 35 U.S.C. 102(e) as being anticipated by Tonisson.

With respect to claims 1 and 38, Tonisson teaches a method of assigning agents of an automatic call distributor to incoming calls of a plurality of call types handled by the automatic call distributor including the method steps of determining a target occupancy matrix including a target occupancy for each agent of the agents of the ACD for each call type of the plurality of call types and processing a call of a first type of the types determined in the target matrix (Col. 2, lines 15 - 27). Tonisson also teaches assigning the call to an agent of the agents of the ACD with the largest relative difference between an actual occupancy of calls of the first type handled by the agent and the target occupancy of calls of the first type determined for the agent in the target occupancy matrix (Col. 2, lines 27 - 57). In addition, note the equations from Col. 6 through Col. 9 and the description thereof with respect to providing a matrix including agent skills, call types etc.

With respect to claims 2 - 4, note the use of permanent data, semi-permanent data and variable data (Col. 2 - Col. 3, lines 49 - 44). Also note use of Erlang at Col. 6, line 15.

With respect to claim 5, a minimum skill level is inherent in Tonisson.

With respect to claims 6 - 13, note Cols. 3 - 4, lines 36 - 46.

With respect to claims 7 - 10, note the Summary of the invention.

With respect to claims 11 - 13, see Col. 4 lines 36 - 52

With respect to claims 14 - 26, these claims parallel claims 1 - 13 and the arguments would be the same as those discussed supra.

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With respect to claims 27 - 37, as best as can be determined, Tonisson teaches applicant's device and the arguments would parallel the arguments above. Note ACD 101, call processor 110, matrix processor 150.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Kohler - note claims 1 - 9;

Fisher et al. - note agent occupancy;

Brooks et al. - skill based routing; and

Flockhart et al. (238, 793, 873) - note Abstracts.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306 - 5838.



WJD

November 22, 1999



KRISTA ZELE
SUPERVISORY PATENT EXAMINER
GROUP 2700